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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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9 RICHARD REES, et.al,

CASE NO. CV-F-05-00297 AWI LJO

10 Plaintiff,

**ORDER TO RESET PRETRIAL  
CONFERENCE**

11 vs.

12 SOUZA'S MILK TRANSPORTATION,  
13 CO., et al.,

Date: February 9, 2009  
Time: 8:15 a.m.  
Dept.: 4 (LJO)

14 Defendants.  
\_\_\_\_\_ /

15 Plaintiffs' counsel Jerry Budin ("Mr. Budin") has filed papers to indicate that settlement has been  
16 reached but that plaintiff class representatives Richard Rees ("Mr. Rees") and Robert Winters ("Mr.  
17 Winters") have refused to sign the settlement agreement to prevent preliminary and final approval. If Mr.  
18 Budin has concluded that Mr. Rees and Mr. Winters should be replaced as class representatives, Mr.  
19 Budin should file an ex parte application to seek on shorten time determination of a motion to appoint  
20 new class representative in place of Mr. Rees and Mr. Winters. Such papers must include the ex parte  
21 application and papers which Mr. Budin wishes the Court to consider on shortened time. Such papers  
22 must be served on Mr. Rees and Mr. Winters and explain how appointment of new class representatives  
23 will affect Mr. Rees and Mr. Winters.

24 On the basis of good cause, this Court RESETS the pretrial conference to February 9, 2009 at 8:15  
25 a.m. in Department 4 (LJO). The February 23, 2009 trial remains as set.

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27 IT IS SO ORDERED.

28 **Dated: January 7, 2009**

**/s/ Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE

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